

SPIRIT OF THE PRESS.

Editorial Opinions of the Leading Journals upon Current Topics—Compiled Every Day for the Evening Telegraph.

SHOULD THE PRESS TO BE SILENT?

From the N. Y. Times.

There is one point we should like to submit to the consideration of the Bar Association and in fact of the whole bar of this State, and it is this—What is the press and the public to do in the presence of what it conceives to be gross abuses in the administration of justice? Ever since the Erie Railroad fell into its present hands, stories of corruption on the bench of this city, and connivance at it by a portion of the bar, have been widely circulated, and are generally believed both at home and abroad. We have never met a man, be he lawyer or layman, who ventured to deny that these rumors had at least good foundation. We believe there is no single lawyer of prominence in the State who will venture to deny it. Even Mr. D. D. Field will not do so. He knows that some of our judges are corrupt. What he says, however, and what a great many others say—ever Mr. William Allen Butler came near saying it in his lecture on the relations of lawyer and client, the other night—is that we must not mind common rumor or "mere newspaper utterances" on these subjects. We are to wait for well-ascertained facts before we impute partiality to a judge or improper professional conduct to an advocate, no matter how outrageous the proceedings in court may seem to the lay eye. "Public opinion," Mr. Butler says, "can only properly and finally pronounce upon what is undisputed or established beyond any reasonable doubt, and accepted by common consent as a notorious fact." "It cannot proceed to judgment in a case involving the relation of lawyer and client to each other, to the judiciary, and to the public, so long as any element of doubt remains, so long as there is to be taken on the main question of fact, and the merits of the case are entangled in the meshes of newspaper controversy and discussion."

Now let us apply this to the condition of things in the courts of this city. We presume we understand the case when we affirm that the large majority of the bar firmly believe at least two of the judges of the Supreme Court to be grossly and shamelessly corrupt. We think we are also understanding when we say that fifty of them could furnish proof of this corruption sufficient to support an impeachment before an honest Senate. There is hardly any division of sentiment at the bar as to the way in which the judicial power has been abused during these years. But if an editor goes to a lawyer, and asks him to furnish him with proofs of these charges, he will refuse to furnish them. He will furnish him indeed with what he alleges to be "facts," but will not allow his name to be used as vouching for them. He will say that he has not time for a controversy, or that justice to his clients forbids his quarreling with the judges, or that there is no use in saying anything about it; that the evil is too deep-seated, or that it is the public morality that is at fault, and that we must look for purification to improvement in the national character, and so on. He is certain to produce some excuse for his not meddling publicly in the matter. If we ask him why the lawyers do not impeach the corrupt judges, he will say—that is quite true—that I would, whose servants the corrupt judges are, and who controls the majority of the Legislature absolutely, would not permit it; that it would be impossible to get the Assembly to accuse, or the Senate to convict, on any evidence that could be submitted.

If the editor then calls his attention to the condition of the Bar, and asks whether the practice in the Erie cases has not been marked by great abuses, and whether the lawyers who have perpetrated them ought not to be punished in some way or other, he will say that undoubtedly they ought; that this, and this, and this charge against them is certainly true. But if the editor then asks him to come out and denounce them with the authority derived from professional training and practical knowledge of the facts, he will probably refuse to do so on the ground that he has no grounds on which he refuses to deal with corruption on the bench. Success, he will say, will be doubtful, while the trouble and annoyance would be certain.

Now, there is no regularly constituted tribunal here, as there is in England or France, before which a lawyer's professional conduct can be brought, and from which an inquiry into the facts can be obtained. Of course, we shall be told that this is not correct; that the proper remedy for misbehavior on a lawyer's part is to bring him before a Superior Court, and have his name struck from the rolls. But the very mention of this remedy brings before us the peculiarity of the embarrassment in which the public of this city find themselves. What we complain of is the guilty connivance of the bench, the bar, and the Legislature at the perpetration of an astounding series of frauds affecting directly an enormous amount of property, and which, from their very nature and success, affect the security of all property; and when we cry out, we are advised to complain of the Judges to the Legislature, and of the bar to the judges. In other words, we are to be the trustees of the complies in the villainy to turn round and chastise each other in the interest of public morality.

It is this extraordinary combination of circumstances, the like of which we venture to say has never been seen in any civilized country, which makes the duty of the press in this matter one of such difficulty. There being no formal way of bringing corrupt judges and bad lawyers to justice, public opinion naturally and inevitably takes hold of the matter; but then the lawyers step in and say public opinion must not take hold of it, until "the facts" are before it. It may see the equitable powers of the courts of the State used in a way in which no such powers were ever used before; it may see such services rendered by lawyers to notorious knaves as it has never seen rendered by honorable lawyers to their clients; it may see millions of property stolen from its owners used by a parcel of adventurers in the gratification of their lusts, and may see them steadily protected against punishment by the connivance of judges, and the skillful twisting by dexterous practitioners of the forms of procedure; but inasmuch as the processes are so intricate, the suits so numerous, the conflicts of jurisdiction so incessant, the orders and affidavits so numerous that it would give a professional eye all it could do to follow the course even of a single case, nobody, and especially no editor, is to open his lips about it. We are not to condemn dishonest judges or unscrupulous lawyers till somebody, as yet unknown, whose decision nobody will dispute, shall, upon the faith of testimony

which nobody will question, tell us exactly what these gentlemen have done which, according to the law of the land and established legal usage, they ought not to have done—till, in short, this superior being has disentangled the whole matter "from the meshes of newspaper controversy and discussion," and set it before the world exactly as it is. Was any civilized community ever presented with so singular a rule of conduct?

Now we can say, for our part, that nothing would delight us more than to leave the correction of legal abuses to the bench and the bar. We are as conscious as any lawyer can be of the disadvantages under which newspapers must always conduct such abuses. We have called the attention of the bar again and again to the incompetency of editors for any such work. Between the fitness of the press and that of the bar, for the criticism of what judges and advocates do or say, there can be no room for doubt in the mind of any sensible man; but as between the criticism of the press, and none at all, there can be just as little doubt. The newspapers have taken this matter up, and public opinion is sitting in judgment on it, because if they do not, nobody else will. The protest we hear against the meddling of the press in the matter is therefore impudent gammon. It is not a private individual's duty to watch burglars as long as there are police; but if the police go to sleep, or enter into a league with the criminals, police duty becomes every man's duty. As long as the courts sit, and do justice, it is every good citizen's duty to leave to them the punishment of crime; but if the judges leave the bench, and set up faro-banks, it is every good citizen's business to protest against them, and to demand reform. Lynch law is bad law, but it is better than no law. We declare solemnly and positively that if the Bar Association, or any other organization of honest lawyers, will take up the charges made against the administration of justice in this city, at the bar and on the bench, sift them thoroughly, without fear or favor, and make an honest and energetic effort to bring the wrong-doers to justice of some kind, and to have inflicted on them legal penalties, or else mark them out as fit objects for popular reprobation, we shall gladly refrain from all meddling in the matter henceforth. We shall constitute ourselves simply clerks of their court, to record and make proclamation of their decisions, and shall give them as steadfast and hearty support as is in our power. But until some such tribunal declares itself ready and willing to act, God forbid that the press should accommodate knaves—whether they be judges, lawyers, or clients—who wrest the law to the destruction of property and the confusion of the State, with a tame and timid silence. It is better to commit fifty blunders a day, than that a great crime should be perpetrated without protest from any quarter.

THE TESTIMONY OF THE CENSUS.

From the N. Y. World.

A comparison of the census of 1870 with the vote in that year of some of the States reveals certain curious secrets. In Nevada, West Virginia, Missouri, and Rhode Island the population, vote, and ratio of voters to population in 1870 stand thus:—

Table with 4 columns: State, Population, Total Vote, Ratio. Rows include Nevada, West Virginia, Missouri, Rhode Island.

It will be here seen that rotten-borough Nevada claims every third person within her borders as not only a voter but actually voting—a claim that bears the stamp of fraud and dishonesty upon its face. Taking into consideration the number of women, children, and sick or non-voting men found in every community, one voter to five inhabitants is a liberal estimate; and very few States in an "off year, as 1870 was, reach even that ratio. And yet Nevada comes rotten-borough Nevada in an "off-year" with a vote much heavier than any other State is known to poll in the most exciting contests. There must be "repeating" here, and it would be well for those extremely unsavory Senators, Messrs. Nye and Stewart, representing this fraudulent State, to look at home before urging on so much electoral legislation for the genuine States of the Union. Fact two concerning Nevada, as shown by the census of 1870, is this: either that rotten borough has decreased very materially in population since 1860, or else its admission to the Union was a very dirty job between Mr. Lincoln and the local politicians. On the 31st of October, 1864, Mr. Lincoln issued his proclamation declaring Nevada a State, and three days afterwards, or on the 3d of November, the new State reciprocated the martyr's civility by giving him a majority of some thousands in a total vote of 16,420. If in 1864 the population of Nevada was twice as large as it is now, this vote would be a fair electoral ratio; but taking it for granted that there has been no such tremendous decrease, and that the population now is about what it was then, it appears that in the Presidential election of 1864 this rotten borough cast one vote to every 2.52 of population. At the last Presidential election it cast one vote to every 3.02 inhabitants, and now claims one voter to every 3.10. These figures sufficiently demonstrate that this rotten-borough State, founded in trick and device, is conducted on the vilest system of frauds upon the ballot-box—by "repeating," by ballot-box stuffing, and by false counts. Such a community—rotten and corrupt continuously and ab initio—has no right to have an equality of voice in the Government with the genuine States. It is a mere close corporation of political desperadoes, aptly typified by Senators Nye and Stewart, who have done more to debauch public life even than Ben Butler; and there is every reason to suppose that, could the genuine sentiment of the people of the State be consulted, it would be all but unanimously in favor of receding into a territorial condition. In that, the Federal Treasury would bear the expenses of maintaining civil government, and these forty odd thousand people be no longer compelled, for the use and behoof of Nye, Stewart, and the rest, to keep up such an establishment as is here imperfectly set down—Governor, \$4000; Secretary, \$3600; Comptroller, \$3600; Treasurer, \$3600; Surveyor, \$2500; School Superintendent, \$2500; Supreme Court judges, \$35,000; Circuit Court judges, \$42,000; Legislature, \$8 per diem, etc. The census reveals Nevada a most unmitigated fraud.

As respects West Virginia, it will be seen that the electoral ratio is one voter to every 3.01 of population. The election in this State in 1870 was most exciting, and yet but one voter to every eight inhabitants appears, though at the same time Indiana cast one vote to every 3.26—a discrepancy which finds its explanation in the villainous system of disfranchisement by which the radicals have held this State so long. It was once asserted in the World, on what was deemed good authority, that 25,000 men were disfranchised in West Virginia, and though most vehemently denied, the statement finds this much confirmation from the census: that if we allow West Virginia the same electoral ratio as

Indiana—and if there was no disfranchisement there is no reason why the ratio should not be substantially the same—the vote would have been 39,000 greater. The disfranchisement we mentioned did exist, but happily, by reason of the Democratic victory in West Virginia, will now exist no more.

Coming to Missouri, the census once more unerringly demonstrates the existence of an enormous disfranchisement, the voters in the highly exciting contest of 1870 numbering but one to every 10.22 of population. Give Missouri the same electoral ratio as Indiana, and her vote would have been 53,000 greater than it was. Indiana, with a population of 1,676,000, cast 317,550 votes; with a population of 1,715,000, cast but 167,710, unless the restrictions of the Drake constitution disfranchised the 158,000 voters who came to the polls in the one State and did not in the other? Happily, however, here too is radicalism overthrown and the barbarism of disfranchisement gone with it.

Lastly, here is what the census tells us of Rhode Island—that it had in 1870 but one voter to every 12.94 inhabitants, as if to hint at a disfranchisement worse than that of either Missouri or West Virginia. One voter in 13 is the lowest electoral ratio in the United States, and is not to be excused on the ground that 1870 was an "off year," first, because we know the faction fight in this State made the election one of great local interest; and second, because in the Presidential election of 1868, when the maximum vote was out, the ratio was one voter in 11. The secret of what the census reveals in Rhode Island is to be sought in the suffrage laws of that State, which exact a real estate qualification from those naturalized citizens who form so large a part of the entire population.

LITERARY ACROBATS.

From the N. Y. Tribune.

John Ruskin has undertaken the reform of the British workman in a series of letters entitled Fors Clavigera, which are to finally right all English social abuses; the only difficulty in the way being, it appears, the fact that nobody—not even the astute critic—has as yet the faintest idea of either what Fors Clavigera means or what the letters are about. The truth is, that the lower class in England are just now in the condition of the starving donkey in Esop, to whom each of the birds and beasts came with advice and consolation, while nobody brought him the peck of oats for lack of which he was dying. Every reformer, philosopher, or poet in England has joined in the pow-wow over this lower class, in whom civilization is seen in articulo mortis, and has his favorite remedy to offer. One thrusts expatriation down the patient's throat, another infanticide, a third religious education—not seeing that if his empty stomach were filled his heart and brain would right themselves. Mr. Ruskin must have a peck at the poor victim with the others, which is perhaps well enough.

It is a grave subject, and one to which any man would give his gravest thought. Ruskin was endowed by nature not only with a genuine love of the truth, but a keen insight into it, and exceptional force in its utterance. But of late he has tricked out his ideas in such frippery of sentimentality, such a pish-pash of "Sesame and Lilies, such Ducks and Doves," that it is John Ruskin at whom his audience stare, and not at the truth which God gave him to show to them. He has taken, too, an apparent delight in the wonder excited by his unintelligibility; clasps his hands in childish glee when a book aimed at the reformation of the clergy falls dead. "They did not understand a word of it!" he cries; "how could they be expected to do it?"

The present letters, intended to help illiterate people, are a series of obscure paradoxes and attempts at mystification. He "wants to tear down all the railroads in England and Wales, the houses of Parliament, and the city of New York. He wants to whisper in the ears of all girls to entree as professors and dignified persons go by, and to kings to keep their crowns, and bishops their croziers;" and so the childish chatter goes on, page after page, while the critics puzzle their brains in vain to find the obscure meaning. Now Ruskin knows as well as any living man how to "utter hard sense in words like bullets; and this nonsense is not even amusing nonsense. It is nothing but a vain posturing, a click-clack of the pen, and a show of wit. There are enough poor devils driven to play such trapeze games in literature for bread and butter; let them stand on their heads and play tricks with their heels to make the vulgar gape; but Ruskin is in lack of neither money nor fame: he can afford to give his best work to the world without betraying this vain desire for notoriety.

It is high time that literary men, at least, understood of how little importance individuals are in this busy age of the world, and that they weigh less and less with each succeeding year. If a man has discovered a poem, or a sewing-machine, or a fertilizer, or a new divine truth, he owes it to the world, and that is all the world wants of him. When he thrusts his own personal whims or power of turning unmeaning somersaults among words on its notice, he is simply guilty of an impertinence for which he will speedily be snubbed. Journalists, who of all men ought to be the most impersonal, are apt in this country to fall into this very error of thrusting their own petty affairs, likes and dislikes, on their readers. If a man has discovered a new world, or a new machine, or a new divine truth, he owes it to the world, and that is all the world wants of him. 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